

MAY 20 2005

UNITED STATES DISTRICT COURT

U. S. DISTRICT COURT
W. DIST. OF N. C.

Western

District of

North Carolina

United States of America

V.

ORDER SETTING CONDITIONS
OF RELEASE

Robert Neil McDowell

Case Number: 5:04mc8

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (☒) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Twenty Five Thousand dollars (\$ 25,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

(X) (7) **The defendant shall:**

(x) (a) report to the Office of Probation and Pretrial Services to the extent and in the manner that the agency determines to be appropriate.

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____

(x) (e) maintain or actively seek **employment**.

() (f) maintain or commence an **education** program.

() (g) obtain no **passport** and surrender any passport to the Office of Probation and Pretrial Services.

(x) (h) **travel** only in the Western District of North Carolina or travel as approved by the Office of Probation and Pretrial Services.

(x) (i) have no contact, direct or indirect, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to co-defendants.

() (j) undergo **medical or psychiatric treatment** and/or remain in an institution as directed.

(x) (k) refrain from possessing a **firearm**, destructive device, or other dangerous weapons.

(x) (l) refrain from () any (☒) excessive use of **alcohol**.

(x) (m) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(☒) (n) submit to any method of testing required by the Office of Probation and Pretrial Services for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

(☒) (o) participate in a program of inpatient or outpatient **substance abuse** therapy and counseling if deemed advisable by the Office of Probation and Pretrial Services.

(☒) (p) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

() (q) participate in one of the following home confinement program components and abide by all the requirements of the program. If Electronic Monitoring or other location verification system is included you may be required to pay all or part of the cost of the program based upon your ability to pay as determined by the Office of Probation/Pretrial Services:

() **Curfew:** () **will** or () **will not** include Electronic Monitoring. The defendant shall comply with the following curfew _____; or a curfew as directed by the Office of Probation/Pretrial Services; or

() **Home Detention:** () **will** or () **will not** include Electronic Monitoring. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities, as pre-approved by the Office of Probation/Pretrial Services; or

() **Home Incarceration:** () **will** or () **will not** include Electronic Monitoring. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances, pre-approved by the Office of Probation/Pretrial Services.

(x) (r) report as soon as possible, to the Office of Probation and Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

(x) (s) have no contact with anyone involved in unlawful use, possession or trafficking of drugs or involved in any other unlawful conduct.

() (t) support his/her minor children or other dependents.

() (u) be directed to pay \$ _____ per _____, towards the **court appointed counsel** fee to the Clerk U.S. District Court, until the disposition of the case.

() (v) submit his/her person, residence, office or vehicle to a search, from time to time, conducted by any United States Probation/Pretrial Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. Failure to submit to such a search may be grounds for bond revocation. The defendant shall warn other residents or occupants that such premises or vehicles may be subject to searches pursuant to this condition.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Robert M. Bell
Signature of Defendant

228 Harbor Dr. Taylorsville NC
Address

Taylorsville NC 828-495-8122
City and State Telephone

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
(☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5-20-05

Richard A. Joubert
Signature of Judicial Officer

Name and Title of Judicial Officer